

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) No. CR21-191RAJ
Plaintiff,) ORDER GRANTING UNOPPOSED
v.) MOTION TO PROCEED WITH
JAMAL GARDNER,) GUILTY PLEA HEARING BY VIDEO
Defendant.) CONFERENCING

THE COURT has considered the unopposed motion to proceed with a guilty plea hearing by video hearing, along with all the records and files in this case and the General Orders currently in effect.

THE COURT FINDS that the circumstances are as set forth in the motion, and that a video guilty plea hearing may take place on January 5, 2022, at 1:00 p.m., *see* General Order No. 16-21, for the reasons set forth in the motion. Accordingly,

THE COURT ORDERS that the motion (Dkt. # 22) is GRANTED. The parties may proceed with a plea hearing by video conference, consistent with current procedures established by this Court, and directs the parties to consult with one another and the Court to schedule such a hearing at a mutually acceptable date and time.

THE COURT also makes the following specific findings:

1. The Judicial Conference of the United States must find that the coronavirus emergency will materially affect the functioning of the federal courts

1 generally or a particular court. CARES Act, § 15002(b)(2)(A). It has done so. See
2 “Judiciary Authorizes Video/Audio Access During COVID-19 Pandemic,”
3 Administrative Office of the United States Courts (published March 31, 2020)
4 (available at <https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-videoaudio-access-during-covid-19-pandemic>).
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6 2. The chief district judge of the affected district must specifically find that
7 “felony pleas under Rule 11 of the Federal Rules of Criminal Procedure . . . cannot be
8 conducted in person without seriously jeopardizing public health and safety.” CARES
9 Act, § 15002(b)(2)(A). Chief Judge Martinez has done so. GO 04-20 (March 30, 2020).

10 3. The Court finds in this particular case that for specific reasons specified in
11 the pleadings that the plea in this case cannot be further delayed without serious harm to
12 the interests of justice.” CARES Act, § 15002(b)(2)(A).

13 4. The defendant must consent. CARES Act, § 15002(b)(4); *see also* GO
14 16-21. Mr. Gardner consents by way of filing.

15 5. For all practical purposes, the hearing must take place by
16 videoconference, not telephone conference. Theoretically, a change of plea could be
17 done by telephone conference if “video teleconferencing is not reasonably available.”
18 CARES Act, § 15002(b)(2)(A). A videoconference hearing is reasonably available in
19 this case.

20 DATED this 5th day of January, 2022.

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The Honorable Richard A. Jones
United States District Judge